

UNITED STATES DISTRICT COURT

District of Massachusetts

Plaintiff

V.

Defendant

APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVITCASE NUMBER: 04-12192-GAOI, Jon Figliolini declare that I am the (check appropriate box)☒ petitioner/plaintiff/movant ☐ other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ☒ Yes ☐ No (If "No," go to Part 2)

If "Yes," state the place of your incarceration F.C.I.-Otisville, P.O. Box 1000, Otisville, N.Y. 10963

Are you employed at the _____ Do you receive any payment from the _____

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? ☐ Yes ☐ No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

- | | | |
|---|---|--|
| a. Business, profession or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| b. Rent payments, interest or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| c. Pensions, annuities or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| d. Disability or workers compensation payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| e. Gifts or inheritances | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| f. Any other sources | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

AO 240 Reverse (Rev. 9/96)

My Family sends me \$150.00 (per average a month) For telephone usage and commissary. I may or may not continue to receive any funds in the future.

4. Do you have **any** cash or checking or savings accounts? ☐ Yes ☒ No

If "Yes," state the total amount. _____

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value? ☐ Yes ☒ No

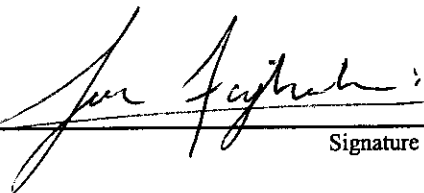
If "Yes," describe the property and state its value.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

I declare under penalty of perjury that the above information is true and correct.

12/30/04

Date



Signature of Applicant

NOTICE TO PRISONER: A Prisoner seeking to proceed IFP shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JON FIGLIOLINI,
(Petitioner)

v.

UNITED STATES OF AMERICA
(Respondent)

)
)
)
) CIVIL ACTION NO.
) 04-12192-GAO
)
)
)

AFFIDAVIT OF PETITIONER IN SUPPORT OF
APPLICATION TO PROCEED IN FORMA PAUPERIS

I, Jon Figliolini, do hereby depose and state the following:

1. I am the Petitioner in the above captioned case.

2. My Petition for 28 U.S.C. § 2255 was dismissed by this Court on November 15, 2004. I received a copy of the Court's Order on November 22, 2004.

3. The following day, November 23, 2004, I filed a notice of appeal with the clerk of this Court via certified return receipt U.S. Mail.

4. On December 8, 2004, I filed an application for a certificate of appealability.

5. On December 21, 2004, the Court granted the certificate of appealability. I received a copy of the Court's Order on December 28, 2004.

6. I have been incarcerated for approximately the last 6 years and have no assets.

7. The only money I receive is from family members which I utilize in the commissary and to make phone calls to my

family.

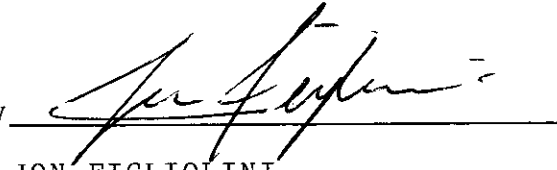
8. The amount of monies I receive from my family varies from month to month but it is approximately \$150.00 per month.

9. The money may or may not be available in the near future depending on my families financial situations.

10. I have been determined indigent by this Court during the criminal proceeding and by the Appellate Court while I was on direct appeal.

Signed on this 30th day of December, 2004 under the pains and penalties of perjury.

by



JON FIGLIOLINI
REG. # 02372-049
F.C.I.-OTISVILLE
P.O. BOX 1000
OTISVILLE, N.Y. 10963

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2.

All Transactions



Inmate Reg #:	02372049	Current Institution:	Otisville FCI
Inmate Name:	FIGLIOLINI, JON	Housing Unit:	CSW-FC
Report Date:	01/03/2005	Living Quarters:	G07-219U
Report Time:	10:07:12 AM		

<u>Date/Time</u>	<u>User Id</u>	<u>Transaction Type</u>	<u>Amount</u>	<u>Ref#</u>	<u>Payment#</u>	<u>Balance</u>
1/1/2005 12:21:55 PM	AMService	ITS Withdrawal	(\$2.00)	ITS0101		\$304.33
12/31/2004 5:08:19 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1231		\$306.33
12/29/2004 7:38:44 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1229		\$308.33
12/29/2004 5:03:40 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1229		\$310.33
12/27/2004 5:07:44 PM	OTV3900	Sales	(\$8.90)	27		\$312.33
12/24/2004 8:09:01 PM	AMService	ITS Withdrawal	(\$3.00)	ITS1224		\$321.23
12/24/2004 5:18:03 PM	AMService	ITS Withdrawal	(\$3.00)	ITS1224		\$324.23
12/23/2004 5:58:07 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1223		\$327.23
12/23/2004 1:54:45 PM	OTV3800	Local Collections	\$100.00	4608		\$329.23
12/23/2004 1:54:45 PM	OTV3800	Local Collections	\$25.00	4644		\$229.23
12/21/2004 11:37:38 AM	OTV3800	Local Collections	\$25.00	4419		\$204.23
12/20/2004 6:13:02 PM	OTV3400	Sales	(\$6.25)	97		\$179.23
12/20/2004 6:10:38 PM	OTV3400	Sales	(\$153.10)	96		\$185.48
12/20/2004 4:55:21 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1220		\$338.58
12/20/2004 3:49:12 PM	OTV3800	Local Collections	\$150.00	4149		\$340.58
12/18/2004 5:18:44 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1218		\$190.58
12/17/2004 11:30:50 AM	OTV3400	Sales	(\$55.25)	24		\$192.58
12/16/2004 8:06:22 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1216		\$247.83
12/16/2004 5:15:35 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1216		\$249.83
12/14/2004 5:38:38 PM	OTV3400	Sales	(\$2.40)	99		\$251.83
12/14/2004 4:54:03 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1214		\$254.23
12/13/2004 5:57:49 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1213		\$256.23
12/13/2004 3:05:54 PM	OTV3800	Local Collections	\$60.00	3587		\$258.23
12/13/2004 3:05:54 PM	OTV3800	Local Collections	\$20.00	3651		\$198.23
12/12/2004 7:37:35 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1212		\$178.23
12/11/2004 1:49:03 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1211		\$180.23
12/11/2004 1:09:30 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1211		\$182.23
12/9/2004 5:38:03 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1209		\$184.23
12/9/2004 4:53:19 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1209		\$186.23
12/8/2004 5:46:24 PM	OTV6013	Sales	(\$4.81)	84		\$188.23
12/6/2004 8:21:17 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1206		\$193.04
12/6/2004 5:47:34 PM	OTV3400	Sales	(\$4.30)	102		\$195.04
12/6/2004 5:22:45 PM	OTV3400	Sales	(\$5.05)	90		\$199.34
12/5/2004 11:29:51 AM	AMService	ITS Withdrawal	(\$2.00)	ITS1205		\$204.39
12/3/2004 4:51:20 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1203		\$206.39
12/3/2004 1:54:45 PM	OTV3800	Local Collections	\$30.00	3149		\$208.39
12/2/2004 5:06:47 PM	OTV6013	Sales	(\$0.10)	70		\$178.39
12/2/2004 4:55:52 PM	OTV6013	Sales	(\$10.73)	59		\$178.49
12/2/2004 8:52:24 AM	OTV2002	Payroll - IPP	\$14.40	5JV036		\$189.22
12/2/2004 8:52:24 AM	OTV2002	Payroll - IPP	\$36.40	5JV036		\$174.82
11/28/2004 8:05:38 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1128		\$138.42
11/28/2004 11:25:10 AM	AMService	ITS Withdrawal	(\$2.00)	ITS1128		\$140.42
11/26/2004 5:59:18 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1126		\$142.42
11/23/2004 6:02:47 PM	OTV3900	Sales	(\$13.50)	58		\$144.42
11/23/2004 5:19:04 PM	OTV3200	Sales	(\$4.44)	49		\$157.92
11/21/2004 10:08:25 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1121		\$162.36
11/21/2004 12:09:01 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1121		\$164.36
11/18/2004 8:33:37 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1118		\$166.36
11/16/2004 5:51:49 PM	OTV3900	Sales	(\$27.20)	76		\$168.36
11/15/2004 6:10:01 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1115		\$195.56

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All Transactions



Inmate Reg #:	02372049	Current Institution:	Otisville FCI
Inmate Name:	FIGLIOLINI, JON	Housing Unit:	CSW-FC
Report Date:	01/03/2005	Living Quarters:	G07-219U
Report Time:	10:07:39 AM		

<u>Date/Time</u>	<u>User Id</u>	<u>Transaction Type</u>	<u>Amount</u>	<u>Ref#</u>	<u>Payment#</u>	<u>Balance</u>
9/1/2004 2:36:29 PM	OTV3800	Local Collections	\$75.00	18954		\$125.36
8/23/2004 5:11:19 PM	OTV3200	Sales	(\$0.37)	78		\$50.36
8/19/2004 5:20:16 PM	AMService	ITS Withdrawal	(\$8.00)	ITS0819		\$50.73
8/16/2004 4:40:50 PM	OTV3400	Sales	(\$0.37)	4		\$58.73
8/11/2004 5:30:09 PM	OTV3700	Sales	(\$2.00)	74		\$59.10
8/9/2004 4:29:34 PM	OTV3200	Sales	(\$1.85)	51		\$61.10
8/2/2004 4:30:37 PM	OTV3200	Sales	(\$0.74)	15		\$62.95
8/2/2004 9:18:37 AM	OTV2002	Payroll - IPP	\$14.40	5JV163		\$63.69
8/2/2004 9:18:37 AM	OTV2002	Payroll - IPP	\$21.60	5JV163		\$49.29
7/29/2004 6:46:50 PM	OTV3700	Sales	(\$1.80)	135		\$27.69
7/29/2004 4:46:54 PM	OTV6013	Sales	(\$0.74)	8		\$29.49
7/28/2004 8:26:11 PM	AMService	ITS Withdrawal	(\$27.00)	ITS0728		\$30.23
7/28/2004 5:20:27 PM	OTV3400	Sales	(\$75.15)	18		\$57.23
7/27/2004 5:03:18 PM	OTV6013	Sales	(\$0.37)	20		\$132.38
7/26/2004 4:56:29 PM	OTV6013	Sales	(\$2.22)	21		\$132.75
7/26/2004 3:17:05 PM	OTV3800	Local Collections	\$125.00	17038		\$134.97
7/25/2004 12:00:29 PM	AMService	ITS Withdrawal	(\$5.00)	ITS0725		\$9.97
7/20/2004 11:31:52 AM	OTV3200	Sales	(\$1.48)	2		\$14.97
7/19/2004 6:33:30 PM	OTV3700	Sales	(\$86.85)	96		\$16.45
7/19/2004 5:41:47 PM	OTV3200	Sales	(\$4.81)	19		\$103.30
7/19/2004 5:13:32 PM	OTV3200	Sales	(\$1.85)	14		\$108.11
7/16/2004 1:26:56 PM	OTV3800	Local Collections	\$100.00	16629		\$109.96
7/13/2004 5:45:35 PM	OTV3600	Sales	(\$49.40)	25		\$9.96
7/9/2004 12:32:00 PM	OTV3700	Sales	(\$50.85)	41		\$59.36
7/8/2004 5:23:56 PM	AMService	ITS Withdrawal	(\$27.00)	ITS0708		\$110.21
7/2/2004 2:22:29 PM	OTV2004	Local Collections	\$70.00	15881		\$137.21
6/28/2004 5:36:16 PM	OTV3200	Sales	(\$4.44)	11		\$67.21
6/24/2004 4:44:13 PM	OTV3700	Sales	(\$30.15)	44		\$71.65
6/14/2004 5:29:00 PM	OTV3200	Sales	(\$1.85)	14		\$101.80
6/8/2004 11:43:39 AM	OTV3100	Sales	(\$255.55)	17		\$103.65
6/4/2004 11:24:14 AM	OTV6013	Sales	(\$1.71)	2		\$359.20
6/2/2004 2:45:36 PM	OTV2002	FRP Single Pymt	(\$25.00)	002044		\$360.91
6/1/2004 6:02:41 PM	OTV3100	Sales	(\$24.95)	93		\$385.91
5/28/2004 2:30:32 PM	OTV2002	Local Collections	\$25.24	14122		\$410.86
5/28/2004 11:50:46 AM	OTV3400	Sales	(\$92.90)	39		\$385.62
5/27/2004 11:36:56 AM	OTV3400	Sales	(\$153.60)	18		\$478.52
5/25/2004 3:55:16 PM	OTV3100	Sales	(\$16.40)	43		\$632.12
5/21/2004 12:24:54 PM	OTV3200	Sales	(\$0.37)	5		\$648.52
5/20/2004 5:19:39 PM	AMService	ITS Withdrawal	(\$50.00)	ITS0520		\$648.89
5/20/2004 12:18:53 PM	OTV3200	Sales	(\$1.11)	9		\$698.89
5/17/2004 2:46:51 PM	OTV2002	Local Collections	\$500.00	13500		\$700.00
5/17/2004 2:46:51 PM	OTV2002	Local Collections	\$200.00	13501		\$200.00

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All Transactions



Inmate Reg #:	02372049	Current Institution:	Otisville FCI
Inmate Name:	FIGLIOLINI, JON	Housing Unit:	CSW-FC
Report Date:	01/03/2005	Living Quarters:	G07-219U
Report Time:	10:07:25 AM		

<u>Date/Time</u>	<u>User Id</u>	<u>Transaction Type</u>	<u>Amount</u>	<u>Ref#</u>	<u>Payment#</u>	<u>Balance</u>
11/15/2004 5:41:59 PM	OTV3200	Sales	(\$1.85)	84		\$197.56
11/14/2004 9:04:08 AM	AMService	ITS Withdrawal	(\$2.00)	ITS1114		\$199.41
11/13/2004 10:20:07 AM	AMService	ITS Withdrawal	(\$2.00)	ITS1113		\$201.41
11/12/2004 5:15:11 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1112		\$203.41
11/10/2004 6:02:44 PM	OTV3400	Sales	(\$128.10)	93		\$205.41
11/10/2004 2:15:33 PM	OTV3800	Local Collections	\$75.00	2042		\$333.51
11/8/2004 5:04:42 PM	OTV3200	Sales	(\$4.81)	64		\$258.51
11/8/2004 3:00:34 PM	OTV3800	Local Collections	\$100.00	1833		\$263.32
11/7/2004 12:17:56 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1107		\$163.32
11/7/2004 9:04:15 AM	AMService	ITS Withdrawal	(\$2.00)	ITS1107		\$165.32
11/5/2004 9:46:22 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1105		\$167.32
11/5/2004 5:12:57 PM	OTV3200	Sales	(\$1.48)	20		\$169.32
11/2/2004 9:02:13 AM	OTV2002	Payroll - IPP	\$14.40	5JV021		\$170.80
11/2/2004 9:02:13 AM	OTV2002	Payroll - IPP	\$36.40	5JV021		\$156.40
10/30/2004 9:27:19 AM	AMService	ITS Withdrawal	(\$2.00)	ITS1030		\$120.00
10/29/2004 5:17:50 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1029		\$122.00
10/27/2004 5:43:38 PM	OTV3900	Sales	(\$5.50)	36		\$124.00
10/26/2004 6:31:11 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1026		\$129.50
10/26/2004 6:04:47 PM	OTV3400	Sales	(\$22.80)	95		\$131.50
10/24/2004 10:32:27 AM	AMService	ITS Withdrawal	(\$2.00)	ITS1024		\$154.30
10/23/2004 11:31:30 AM	AMService	ITS Withdrawal	(\$2.00)	ITS1023		\$156.30
10/16/2004 5:42:01 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1016		\$158.30
10/15/2004 10:29:03 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1015		\$160.30
10/13/2004 5:13:14 PM	OTV3200	Sales	(\$4.81)	27		\$162.30
10/12/2004 7:01:58 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1012		\$167.11
10/12/2004 6:30:41 PM	OTV3400	Sales	(\$6.25)	151		\$169.11
10/10/2004 8:07:11 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1010		\$175.36
10/9/2004 5:08:02 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1009		\$177.36
10/8/2004 5:07:55 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1008		\$179.36
10/7/2004 5:25:23 PM	OTV3400	Sales	(\$2.10)	110		\$181.36
10/7/2004 5:22:08 PM	OTV3400	Sales	(\$72.80)	108		\$183.46
10/6/2004 5:19:17 PM	AMService	ITS Withdrawal	(\$3.00)	ITS1006		\$256.26
10/6/2004 1:57:53 PM	OTV3800	Local Collections	\$100.00	249		\$259.26
10/4/2004 7:50:49 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1004		\$159.26
10/4/2004 5:27:22 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1004		\$161.26
10/4/2004 9:58:44 AM	OTV2002	Payroll - IPP	\$14.88	5JV004		\$163.26
10/4/2004 9:58:44 AM	OTV2002	Payroll - IPP	\$30.40	5JV004		\$148.38
10/3/2004 5:08:14 PM	AMService	ITS Withdrawal	(\$2.00)	ITS1003		\$117.98
10/2/2004 10:40:19 AM	AMService	ITS Withdrawal	(\$2.00)	ITS1002		\$119.98
9/26/2004 9:49:45 AM	AMService	ITS Withdrawal	(\$2.00)	ITS0926		\$121.98
9/24/2004 4:32:35 PM	OTV3200	Sales	(\$2.48)	10		\$123.98
9/20/2004 5:35:13 PM	OTV3700	Sales	(\$107.45)	93		\$126.46
9/13/2004 5:42:46 PM	OTV3700	Sales	(\$4.80)	98		\$233.91
9/9/2004 1:28:47 PM	OTV3800	Local Collections	\$125.00	19302		\$238.71
9/7/2004 6:01:14 PM	OTV3400	Sales	(\$135.15)	32		\$113.71
9/7/2004 2:51:55 PM	OTV3800	Local Collections	\$125.00	19124		\$248.86
9/2/2004 8:33:48 AM	OTV2002	Payroll - IPP	\$5.52	5JV179		\$123.86
9/2/2004 8:33:48 AM	OTV2002	Payroll - IPP	\$28.40	5JV179		\$118.34
9/1/2004 7:00:08 PM	AMService	ITS Withdrawal	(\$29.00)	ITS0901		\$89.94
9/1/2004 5:31:17 PM	OTV3200	Sales	(\$6.42)	36		\$118.94

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